

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHANIE RUIZ GUEVARA, et al.,
Plaintiffs,
-against-
GOODNIGHT GROUP LLC, et al.,
Defendants.

20-CV-5330 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

By letter-motion dated November 5, 2021 (Pl. Ltr.) (Dkt. No. 70), plaintiffs seek a discovery conference to resolve a series of detailed disputes arising out of defendants' responses to Plaintiffs' First Request for the Production of Documents and Plaintiffs' First Set of Interrogatories (Dkt. No. 70-1). However, it appears that the parties met and conferred for only ten minutes before reaching "an impasse." Pl. Ltr. at 1. Ten minutes is barely long enough to read the contested document requests and interrogatories out loud. Moreover, insofar as can be determined from plaintiffs' letter, plaintiffs made no effort, during the ten-minute meeting, to narrow or limit a single one of the disputed requests or interrogatories, notwithstanding that some of them are facially overbroad, seeking documents that are at best marginally relevant to plaintiffs' wage and hour claims and disproportional to the needs of the case. *See, e.g.*, RFP 27 (seeking production of "all vendor contracts" entered into by defendants, regardless of the nature of the goods or services purchased). The Court therefore doubts that the parties conferred "in good faith," in a genuine effort to resolve their dispute "without court action," as required by, *inter alia*, Fed. R. Civ. P. 37(a)(1). Consequently, it is hereby ORDERED that:

1. Further Good-Faith Conference. The parties shall promptly meet and confer again, in good faith and in real time (*i.e.*, in person, by videoconference, or by telephone; letters, emails or text messages alone will not do), at which time they shall discuss each of the disputed

requests and interrogatories and make a genuine effort to resolve their disagreements without court intervention.

2. Refiled Letter-Motion. If the parties remain at impasse after complying with ¶ 1 herein, plaintiffs may refile their letter-motion no later than **November 16, 2021**, in compliance with Moses Ind. Prac. § 2(b), and shall include a description of all offers to narrow or otherwise compromise the discovery requests and interrogatories that remain in dispute. In addition:

- a. To the extent plaintiffs' "requests for class discovery" remain in dispute, *see* Pl. Ltr. at 2, plaintiffs shall identify precisely which document demands and interrogatories they categorize as seeking "class discovery."
- b. To the extent RFP 31 remains in dispute, *see* Pl. Ltr. at 3, plaintiffs shall identify each proposed custodian and all of plaintiffs' "listed search terms." *Id.*

Defendant's opposition letter shall be filed no later than **November 19, 2021**. Plaintiff's optional reply letter shall be filed no later than **November 23, 2021**.

3. Conference. The Court will hold a discovery conference on **November 29, 2021, at 11:00 a.m., via teleconference**. At that time, parties should dial (888) 557-8511 and enter access code: 7746387. If plaintiffs do not timely refile their letter-motion, the conference will be cancelled.

The Clerk of Court is respectfully directed to close Dkt. No. 70.

Dated: New York, New York
November 10, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge